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Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime
First session
Vienna, 19-29 January 1999
Item 3 of the provisional agenda
Adoption of the agenda and organization of work

Annotated provisional agenda and proposed organization of work

Provisional agenda

1. Opening of the first session of the Ad Hoc Committee.
2. Election of officers.
3. Adoption of the agenda and organization of work.
4. Consideration of the draft convention against transnational organized crime.
5. Consideration of the additional international legal instruments against:
   (a) Trafficking in women and children;
   (b) Illegal trafficking in and transporting of migrants;
   (c) Illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.
6. Adoption of the report of the Ad Hoc Committee on its first session.

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Annotations

1. Opening of the first session of the Ad Hoc Committee

The first session of the Open-ended Intergovernmental Ad Hoc Committee on the Elaboration of a Comprehensive International Convention against Transnational Organized Crime will be convened on Tuesday, 19 January 1999, at 10 a.m. Originally, the Centre for International Crime Prevention had planned to organize the meeting from 18 to 29 January. Pursuant to General Assembly resolution 52/214 of 22 December 1997, section A, 18 January was designated as an official holiday in 1999 to be observed by the United Nations Office at Vienna, the Office for Drug Control and Crime Prevention and other United Nations units. Consequently, the Ad Hoc Committee will have one day less at its disposal for its first session. Every effort will be made to make up the time lost during the remaining days of the first session.

2. Election of officers

On the recommendation of the Economic and Social Council (Council resolution 1998/14), the General Assembly adopted resolution 53/111 of 9 December 1998, in which it decided to accept the recommendation of the Commission on Crime Prevention and Criminal Justice to elect Ambassador Luigi Lauriola (Italy) as the Chairman of the Ad Hoc Committee.

In accordance with established practice, the Ad Hoc Committee may wish to elect five officers: four vice-chairmen and a rapporteur.

Based on previous practice and taking into account General Assembly decision 33/417 of 14 December 1978, on the organization of the work of United Nations bodies, it is urged that the regional groups start their consultations on the nomination of candidates to fill the elective offices well in advance of the beginning of the session, with a view to agreeing on a slate of candidates that is equal to the number of offices to be filled, thus allowing all officers of the Ad Hoc Committee to be elected by acclamation and dispensing with the requirement of a secret ballot.

3. Adoption of the agenda and organization of work

(a) Adoption of the agenda

The provisional agenda for the first session of the Ad Hoc Committee was prepared in accordance with General Assembly resolutions 53/111 and 53/114 of 9 December 1998 and with the recommendations of the third session of the informal working group established to assist the Chairman of the Ad Hoc Committee (the informal group of the "Friends of the Chair") at its third session, held at Vienna, on 5 and 6 November 1998.

(b) Proposed organization of work for the first session of the Ad Hoc Committee

The proposed organization of work for the first session of the Ad Hoc Committee, which is contained in the annex, has been prepared in pursuance of the above-mentioned resolutions of the General Assembly and the recommendations of the informal group of the "Friends of the Chair" at its third session. It is intended to facilitate consideration of the agenda items within the time and in accordance with the conference services available.

The resources available permit the holding of two plenary meetings per day.

In view of the nature of the work of the Ad Hoc Committee and the commitment of States to complete the process of the elaboration of the convention and the additional international legal instruments by the year 2000, it is suggested that the Ad Hoc Committee avoid devoting time to statements of a general nature. Such a course of action would ensure that the time and resources available to the Ad Hoc Committee could be best utilized so that substantive progress could be made in the implementation of its mandate.

In accordance with General Assembly resolutions 53/111 and 53/114 , the Ad Hoc Committee will be expected to devote attention to the elaboration of international legal instruments against trafficking in women and children, illegal trafficking in and transporting of migrants and illicit manufacturing of and trafficking in firearms, their parts and components and ammunition. The informal group of the "Friends of the Chair", at its third session, decided to recommend to the Ad Hoc Committee to begin at its first session its consideration of the draft international instrument against illegal trafficking and transporting of migrants and the draft international instrument against illicit manufacturing of and trafficking in firearms, their parts and components and ammunition. The draft international instrument against trafficking in women and children would be introduced to the Ad Hoc Committee at its first session; the Ad Hoc Committee would begin its consideration of that draft instrument at its second session, to be held at Vienna from 8 to 12 March 1999. Accordingly, the proposed organization of work would allow one and one half days for the consideration of each of the draft international instruments against illegal trafficking in and transporting of migrants and illicit manufacturing of and trafficking in firearms, their parts and components and ammunition. The informal preparatory meeting of the Ad Hoc Committee, held at Buenos Aires from 31 August to 4 September 1998, recommended that, in order to fully explore commonalities and avoid overlap of the draft instrument against trafficking in women and children and the draft instrument against illegal trafficking in and transporting of migrants, the Ad Hoc Committee could discuss the two draft instruments on consecutive days at its first session. The proposed organization of work has been prepared in compliance with that recommendation.

4. Consideration of the draft convention against transnational organized crime

The World Ministerial Conference on Organized Transnational Crime, held at Naples, Italy, from 21 to 23 November 1994, adopted the Naples Political Declaration and Global Action Plan against Organized Transnational Crime (A/49/748, annex, sect. I.A). In the Global Action Plan, the World Ministerial Conference requested the Commission on Crime Prevention and Criminal Justice to initiate the process of requesting the views of Governments on the impact of a convention or conventions against organized transnational crime and on the issues that could be covered therein. In its resolution 49/159 of 23 December 1994, the General Assembly approved the Naples Political Declaration and Global Action Plan and urged States to implement them as a matter of urgency.

The Regional Ministerial Workshop on Follow-up to the Naples Political Declaration and Global Action Plan against Organized Transnational Crime, held at Buenos Aires from 27 to 30 November 1995, adopted the Buenos Aires Declaration on Prevention and Control of Organized Transnational Crime (E/CN.15/1996/2/Add.1, annex). In the Buenos Aires Declaration, the ministers and other representatives of ministries of States in Latin America and the Caribbean who attended that workshop expressed the interest of their Governments in the advancement of the examination of the advantages of the elaboration of an international convention against organized transnational crime during the fifth session of the Commission and proposed elements for inclusion in the convention.

In its resolution 51/120 of 12 December 1996, the General Assembly took note of the proposed draft United Nations framework convention against organized crime, introduced by Poland at the fifty-first session of the General Assembly (A/C.3/51/7, annex). In addition, the Assembly requested the Commission to consider, as a matter of priority, the question of the elaboration of an international convention against organized transnational crime, taking into account the views of all States on that matter, with a view to finalizing its work on that question as soon as possible.

The African Regional Ministerial Workshop on Organized Transnational Crime and Corruption, held at Dakar from 21 to 23 July 1997, adopted the Dakar Declaration on the Prevention and Control of Organized Transnational Crime and Corruption (E/CN.15/1998/6/Add.1, para. 4). In the Dakar Declaration, the ministers and other representatives of States in the African region expressed their strong support for the elaboration of an international convention against organized transnational crime and made specific suggestions to that end (E/CN.15/1998/6/Add.1, annex II). In addition, they called upon all States to contribute to and be actively engaged in the elaboration of such an instrument, making every possible effort to resolve differences and overcome conceptual or substantive difficulties, in order to permit the process to be completed in the shortest time possible.

The General Assembly, in its resolution 52/85 of 12 December 1997, adopted on the recommendation of the Commission at its sixth session, took note of the report of the informal meeting on the question of the elaboration of an international convention against organized transnational crime, held at Palermo, Italy, from 6 to 8 April 1997 (E/CN.15/1997/7/Add.2, annex), and expressed its appreciation to the Fondazione Giovanni e Francesca Falcone for organizing and acting as host to the meeting. In the same resolution, the Assembly decided to establish an inter-sessional open-ended intergovernmental group of experts for the purpose of elaborating a preliminary draft of a possible comprehensive international convention against organized transnational crime, which would submit a report thereon to the Commission at its seventh session.

The intergovernmental group of experts held its meeting at Warsaw from 2 to 6 February 1998. The report of that meeting, which was submitted to the Commission at its seventh session, contained an outline of options for contents of the international convention against organized transnational crime (E/CN.15/1998/5, para. 72).

The Asian Regional Ministerial Workshop on Organized Transnational Crime and Corruption, held at Manila from 23 to 25 March 1998, adopted the Manila Declaration on the Prevention and Control of Transnational Crime (E/CN.15/1998/6/Add.2, para. 4). In the Manila Declaration, the ministers and other representatives of States in Asia and the Pacific welcomed the results achieved by the intergovernmental group of experts. They expressed their belief that the outline of options for the contents of the convention would serve as a solid basis for its further elaboration. They strongly supported such an endeavour and confirmed their commitment to play an active role in the efforts to resolve differences and overcome conceptual or substantive difficulties so that the process could speedily move towards its conclusion. They urged the Commission to take advantage of the existing momentum and the consensus achieved on the desirability of such a convention, with a view to speeding up the process of its drafting and finalizing such a project as soon as possible.

At its seventh session, the Commission established an in-sessional working group on the implementation of the Naples Political Declaration and Global Action Plan, which discussed the draft convention against organized transnational crime. The working group agreed that the elaboration of the convention must proceed at a vigorous pace, with a view to completing the negotiation process, if possible, by the year 2000. The working group carried out a thorough discussion of the options compiled in the report of the meeting of the intergovernmental group of experts. In particular, it discussed the chapters on scope of application of the

convention; participation in an organized crime group; money-laundering; corporate criminal liability; sanctions; confiscation; transparency of transactions; jurisdiction; extradition; obligation to extradite or prosecute (*aut dedere aut judicare*); extradition of nationals; and consideration of requests for extradition.[1]

The General Assembly, in its resolution 53/111 requested the Ad Hoc Committee, in carrying out its work, to take into account, *inter alia*, the report of the intergovernmental group of experts established pursuant to Assembly resolution 52/85 and the report of the working group on the implementation of the Naples Political Declaration and Global Action Plan.

The informal working group established to assist the Chairman of the Ad Hoc Committee (the informal group of the "Friends of the Chair"), held its first session at Rome from 17 to 18 July 1998. At that session, it reviewed and endorsed the provisional agenda of the informal preparatory meeting of the Ad Hoc Committee, which the Government of Argentina had generously offered to host at Buenos Aires in order to enable the work on the elaboration of the convention to continue without interruption. The informal group also reviewed a provisional timetable for its work and the work of the Ad Hoc Committee, which had been prepared by the Secretariat.

The informal preparatory meeting of the Ad Hoc Committee was held at Buenos Aires from 31 August to 4 September 1998. By completing the first reading of the outline of options for contents of the convention and discussing several outstanding issues regarding draft articles 1-13, the informal preparatory meeting produced a new consolidated draft text of the convention, which will provide the basis for the work of the Ad Hoc Committee at its first session. The informal preparatory meeting was assisted by contributions submitted by Governments.

The informal group of the "Friends of the Chair" at its second session, held at Buenos Aires during the informal preparatory meeting of the Ad Hoc Committee, approved the timetable of its sessions and those of the Ad Hoc Committee until the year 2000, when the Ad Hoc Committee is expected to end its functions.

The informal group of the "Friends of the Chair at its third session", was held at Vienna from 5 to 6 November 1998, reviewed and endorsed the provisional agenda and organization of work for the first session of the Ad Hoc Committee.

Documentation

Report of the first session of the informal working group to assist the Chairman of the Ad Hoc Committee (A/AC.254/2)

Report of the informal preparatory meeting of the Ad Hoc Committee (A/AC.254/3)

Draft United Nations Convention against Transnational Organized Crime (A/AC.254/4)

Proposals and contributions received from Governments (A/AC.254/5)

Report of the third session of the informal working group to assist the Chairman of the Ad Hoc Committee (A/AC.254/6)

Background documents

Report of the meeting of the inter-sessional open-ended intergovernmental group of experts on the elaboration of a preliminary draft of a possible comprehensive international convention against organized transnational crime, held at Warsaw from 2 to 6 February 1998 (E/CN.15/1998/5)

Report of the Commission on Crime Prevention and Criminal Justice on its seventh session (E/1998/30 and Corr.1)

Inter-American Convention against Corruption (E/1996/99)

5. Consideration of the additional international legal instruments against:

(a) Trafficking in women and children;

(b) Illegal trafficking and transport of migrants;

(c) Illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.

In its resolution 53/111 the General Assembly requested the Ad Hoc Committee to discuss the elaboration, as appropriate, of international instruments addressing trafficking in women and children, combating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and illegal trafficking and transporting of migrants, including by sea. The Assembly requested the Ad Hoc Committee, in carrying out this work, to take into account, *inter alia*, Economic and Social Council resolutions 1998/18, 1998/19 and 1998/20.

In its resolution 53/114 the General Assembly called upon the Ad Hoc Committee to devote attention to the drafting of the main text of the convention as well as of appropriate international instruments addressing trafficking in women and children, combating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition and illegal trafficking in and transporting of migrants, including by sea.

Documentation

Report of the first session of the informal working group to assist the Chairman of the Ad Hoc Committee (A/AC.254/2)

Report of the informal preparatory meeting of the Ad Hoc Committee (A/AC.254/3)

Elements for an international legal instrument against illegal trafficking in and transporting of migrants: proposal submitted by Austria and Italy (A/AC.254/4/Add.1)

Draft protocol against the illicit manufacturing of and trafficking in firearms, ammunition and other related materials: proposal submitted by Canada (A/AC.254/4/Add.2)

Elements for an international legal instrument against trafficking in women and children: proposal submitted by Argentina and the United States of America (A/AC.254/4/Add.3)

Proposals and contributions received from Governments (A/AC.254/5/Add.1)

Report of the third session of the informal working group to assist the Chairman of the Ad Hoc Committee (A/AC.254/6)

Ongoing international initiatives related to the elaboration of an international legal instrument against illicit manufacturing of and trafficking in firearms, their parts and components and ammunition (A/AC.254/7)

Background documents

Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials (A/AC.254/CRP.1)

Inter-American Convention on International Traffic in Minors (A/AC.254/CRP.2)

6. Adoption of the report of the Ad Hoc Committee on its first session

The Ad Hoc Committee is to adopt a report on its first session, the draft of which will be prepared by the Rapporteur.

In its resolution 53/111, the General Assembly requested the Ad Hoc Committee to submit a progress report to the Commission on Crime Prevention and Criminal Justice at its eighth session. The second session of the Ad Hoc Committee is scheduled to be held at Vienna from 8 to 12 March 1999. The progress report will comprise a summary of the reports of the first and second sessions of the Ad Hoc Committee and will be accompanied by the revised version of the draft convention and other international legal instruments.

Notes

[1] *Official Records of the Economic and Social Council, 1998, Supplement No. 10* (E/1998/30 and Corr.1), annex III.

Annex

Proposed organization of work of the first session of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime, to be held at Vienna from 19 to 29 January 1999

Date	*Time*	*Item*	*Plenary*
Tuesday, 19 January	10 a.m. to 1 p.m.	1	Opening of the first session of the Ad Hoc Committee
		2	Election of officers
		3	Adoption of the agenda and organization of work
		4	Consideration of the draft convention against transnational organized crime
	3 to 6 p.m.	4	Continuation of the discussion
Wednesday, 20 January, to Friday, 22 January	10 a.m. to 1 p.m. and 3 to 6 p.m.	4	Continuation of the discussion
Monday, 25 January	10 a.m. to 1 p.m.	4	Continuation of the discussion
	3 to 6 p.m.	5 (c)	Consideration of the additional international legal instrument against illicit manufacturing of and trafficking in firearms, their parts and components and ammunition
Tuesday, 26 January	10 a.m. to 1 p.m. and 3 to 6 p.m.	5 (c)	Continuation and conclusion of the discussion
Wednesday, 27 January	10 a.m. to 1 p.m. and 3 to 6 pm.	5 (b)	Consideration of the additional international legal instrument against illegal trafficking in and transporting of migrants
Thursday, 28 January	10 a.m. to 1 p.m.	5 (b)	Continuation and conclusion of the discussion
	3 to 6 p.m.	5 (a)	Introduction of the additional international legal instrument against trafficking in women and children
		4	Continuation of the discussion
Friday, 29 January	10 a.m. to 1 p.m.	4	Continuation and conclusion of the discussion
	3 to 6 p.m.	6	Consideration and adoption of the report of the Ad Hoc Committee on its first session